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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,702	08/30/2000	Brian A. Vaartstra	150.00800102	2471

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EXAMINER

BARRECA, NICOLE M

ART UNIT	PAPER NUMBER
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1756

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DATE MAILED: 01/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action	Application No. 09/651,702	Applicant(s) VAARTSTRA, BRIAN A.	
	Examiner Nicole M. Barreca	Art Unit 1756	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 19-25, 27-29, 31, 32 and 43-48.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

CONTINUATION SHEET

1. No action is required of the applicant regarding the claim numbering.
2. The corrected or substitute drawings were received on 12/18/02. These drawings are approved by the examiner.
3. Continuation of 3. Applicant's reply has overcome the following rejection(s): the 35 USC 112, first paragraph rejections of claims 25, 27, 28, 31, 32, 43, 44, 47, 48.
4. The 35 USC 112, first paragraph rejection of claim 29 remains. The applicant argues that specification on page 9, lines 17-19 supports a ratio of the sulfur dioxide to the second component is about 1:100 by volume to about 100:1 by volume (wherein this embodiment (cl.27) the second components are also oxidizers). However the specification recites the ratio of the oxidizer component to the additional component is in the range of about 1:100 by volume to about 100:1 by volume. While the applicant also argues that the additional components may also be oxidizers, the examiner sees no way in which one of ordinary skill in the art could distinguish between the sulfur trioxide oxidizer and the second component oxidizer in claim 27/29 and determine which is the "oxidizer component" and which is the "additional component" used for this ratio taught on page 9 of the specification.
5. Continuation of 5. The request for reconsideration does NOT place the application in condition for allowance because: the 103 rejection over Jackson in view of Gupta is remains. Applicant's arguments filed 12/18/02 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually

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where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The applicant argues that neither Jackson, Gupta or the combination thereof teach or suggest a composition including sulfur trioxide in the supercritical state. Jackson teaches a composition comprising oxidizers and carrier gases, both in the supercritical state. Gupta teaches that sulfur trioxide is a strong oxidizer which is uniquely suitable for removal of side walled polymers and was used for this teaching only. Therefore the combination of Jackson in view Gupta does teach a composition including sulfur trioxide in the supercritical state, as discussed above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M. Barreca whose telephone number is 703-308-7968. The examiner can normally be reached on Monday-Thursday (8:00 am-6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 703-308-2464. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



MARK F. HUFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

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